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U.S. COURT, D.C.
FILED

No. — 05438 OCT 5 2005

In The **OFFICE OF THE CLERK**
Supreme Court of the United States

PAUL F. BIDGOOD,

Petitioner,

v.

TOWN OF CAVENDISH, TOWN OF
CHESTER, STATE OF VERMONT AGENCY
OF NATURAL RESOURCES (DEPARTMENT
OF FORESTS, PARKS AND RECREATION),
RICHARD SVEC and JOHN KASSEL,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE VERMONT SUPREME COURT

PETITION FOR WRIT OF CERTIORARI
WITH APPENDIX

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Petitioner Pro Se

QUESTIONS PRESENTED

In Petitioner's underlying actions he claims numerous constitutional and federal statutory violations. After four days of trial the parties entered into a tentative Stipulation of Settlement that would have settled these claims. However, the trial court's Orders of Dismissal granted Petitioner leave to reopen within 90 days if Respondents failed to consummate the agreement within that time. On the 90th day, when Petitioner became aware of the Respondents' failure to consummate the agreement, the Petitioner mailed his request to reopen trial to the Respondents and to the court. Ultimately, the trial court, with a different judge presiding, denied Petitioner's request to reopen, basing its denial on its belief that Petitioner's request did not contain an appropriate request for court action and its belief that Petitioner's request was untimely as it was received for filing after the 90th day. As a result, even though the Respondents failed to comply with the Orders of Dismissal and the Petitioner complied with them, the Petitioner is denied from having the merits of his claims heard in contravention of the Orders of Dismissal, the strong public policy of deciding cases on their merits and the due process of law.

- I. Is landowner's private property taken without due process of law when the trial court refuses to reopen the trial in contravention of the conditional Orders of Dismissal?

- II. Is landowner denied the right of free speech, right of association, right of procedural due process, right of substantive due process, right of equal protection of the laws, the right of interstate travel and the protections secured by 23 U.S.C. § 206, 42 U.S.C. § 1983 and 42 U.S.C. § 1988 of his underlying claims when the trial court refuses to reopen the trial in contravention of the conditional Orders of Dismissal?

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OPINIONS BELOW

The OPINION of the Vermont Supreme Court appears in the Appendix at 1a-12a and is reported at *Bidgood v. Town of Cavendish*, --A.2d --, 2005WL1413594, 2005 VT 64, June 8, 2005.

JURISDICTION

The date on which the highest state court decided my case was June 8, 2005. A copy of that decision appears in the Appendix at 1a-12a.

A timely motion for reargument was thereafter denied on July 12, 2005, and a copy of the order denying rehearing appears in the Appendix at 14a.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL PROVISIONS, STATUTES AND RULES

Procedural Matters

V.R.C.P. 1	Fed. R. Civ. P. 60(b)(1)
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10 V.S.A. § 441(c)	42 U.S.C. § 1983
23 V.S.A. § 3201(7)	42 U.S.C. § 1988
23 V.S.A. § 3202(a)	First Amendment
23 U.S.C. § 206(g)(1)	Fifth Amendment
23 U.S.C. § 206(h)(4)(A)	Fourteenth Amendment
23 U.S.C. § 206(h)(4)(B)	Right to interstate travel

STATEMENT OF THE CASE

Petitioner owns the very corner lot in the southwest corner of Cavendish and an adjacent parcel in the neighboring Town of Chester, both parcels are situated near the summit of Bailey Hill. This land was first settled by the Petitioner's ancestors in the early 1800's and purchased back into the Petitioner's family in 1993.¹ Petitioner plans to build a house, reestablish the family-farm and to reside in Vermont. There is no Town of Chester public highway that provides access to Petitioner's Chester land. There is only one public highway that provides vehicular access to Petitioner's Cavendish property and it is class 3 Cavendish Town Highway No. 36, Old Bailey Hill Road. Petitioner's Cavendish land abuts this highway, yet he is unable to travel on this highway by passenger car to access his land during the winter season in Vermont from approximately mid-November to mid-May because the Respondent, Town of Cavendish (Cavendish) in contravention of mandatory law does not plow snow off this highway and the Vermont Association of Snow Travelers, Inc. (VAST), under the direction of Respondents Cavendish, the Agency of Natural Resources (Department of Forests, Parks and Recreation) (ANR) and the Town of Chester (Chester), in contravention of Vermont and federal law, have located a recreational snowmobile trail upon this highway and along the section of this highway located in the Proctor Piper State Forest

¹ While Petitioner is currently a resident of Massachusetts, his roots in Vermont are deep and he is fighting the Respondents' efforts to chase him out of Vermont. Stephen Stoddard (Petitioner's great-great-great-grandfather and predecessor to Petitioner's property married Priscilla Kathan, the daughter of Lieutenant Colonel Charles Kathan, a Vermonter who fought in the American Revolution. Priscilla Kathan's aunt, Mary Kathan, married Colonel John Sargeant, the first white male born in the state of Vermont and Priscilla's grandfather was Captain John Kathan who came to America in 1729, who was the first settler of Dummerston, Vermont and who fought in the French and Indian War. *History of Captain John Kathan*, David Mansfield, 1902.